United Nations S/2011/640

Security Council

Distr.: General
17 October 2011

Original: English

Identical letters dated 14 October 2011 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council

In my capacity as Chair of the Arab Group for the month of October 2011, I have the honour to transmit herewith the statement adopted by the Council of the League of Arab States at the Permanent Representative level at its extraordinary session held on 13 October 2011 in Cairo, regarding the attempt to assassinate the Ambassador of the Kingdom of Saudi Arabia to the United States of America of America (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Meshal Hamad M. **Al-Thani**
Ambassador
Permanent Representative

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Annex to the identical letters dated 14 October 2011 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

Statement issued by the Council of the League of Arab States at an extraordinary meeting at the Permanent Representative level

The criminal attempt to assassinate the Ambassador of the Kingdom of Saudi Arabia to the United States of America

Cairo, 13 October 2011

In the light of the presentation made by the head of the delegation of the Kingdom of Saudi Arabia concerning the criminal attempt to assassinate the Ambassador of that country to the United States of America, the Council of the League of Arab States, at an extraordinary meeting at the Permanent Representative level that was held at League headquarters on Thursday, 13 October 2011, expresses its condemnation and rejection of the criminal Iranian attempt to assassinate the Ambassador of the Kingdom of Saudi Arabia to the United States of America. The Council notes that any attack on diplomatic personnel is considered as a blatant violation of all international norms and instruments and of the rules and conventions that govern relations between States and, in particular, the 1961 Vienna Convention on Diplomatic Relations. Such behaviour is incompatible with religious values and humanitarian principles and undermines efforts in support of international peace and security and stability in the Middle East. It also has a negative impact on the relations between Iran and the Arab States and, in particular, the States of the Gulf Cooperation Council.

The Council calls upon the Arab and Islamic worlds and the international community to shoulder their responsibilities with regard to such terrorist acts, which threaten the stability of States and international peace and security, and provoke enmity and hatred between States and peoples.

(Statement No. 153 — extraordinary session — 13 October 2011)

United Nations S/2011/641

Security Council

Distr.: General
14 October 2011

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Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 8 January 2011 to 20 September 2011)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1969 (2011), by which the Council extended the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) until 26 February 2012. It covers major developments in Timor-Leste and the implementation of the Mission's mandate since 7 January 2011. My Special Representative, Ameerah Haq, continued to lead the Mission and coordinate with United Nations system actors and other stakeholders. She was assisted by my Deputy Special Representative for Governance Support, Development and Humanitarian Coordination, Finn Reske-Nielsen, and by my Deputy Special Representative for Security Sector Support and Rule of Law, Shigeru Mochida. UNMIT continued its "one United Nations system" approach, consistent with its integrated strategic framework.

II. Political and security developments since 7 January 2011

2. The overall situation in Timor-Leste remained generally calm, with continued progress towards the consolidation of peace, stability and development. Political parties intensified their internal organizational activities in preparation for the 2012 presidential and parliamentary elections. During those activities, party leaders underscored the need to sustain national unity and to concentrate on longer-term socio-economic and development strategies. At a dialogue on 26 July facilitated by the Bishop of Baucau (see para. 11 below), political leaders agreed on the importance of ensuring stability during the electoral process.

3. The Congresso Nacional da Reconstrução de Timor-Leste (CNRT), the largest party in the Alliance for a Parliamentary Majority (AMP) Government, held its second national congress from 29 April to 2 May. The Prime Minister, Kay Rala Xanana Gusmão, and Dionisio Babo Soares were re-elected CNRT President and Secretary-General respectively. In his opening speech, the Prime Minister cited the party's responsibility to promote democratic values, including tolerance, mutual respect and non-violence.

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4. On 20 August, the Frente Revolucionária do Timor-Leste Independente (Fretilin) held a direct election for the party's top two posts, with polling stations in all 13 districts. Francisco Guterres "Lu Olo" and Mari Alkatiri were re-elected as the President and Secretary-General of Fretilin respectively. The party's third national congress was held from 8 to 11 September, with Mr. Alkatiri emphasizing, in his opening speech, the party's commitment to promoting unity, peace and stability.

5. On the thirty-sixth anniversary of the creation of the Forças Armadas da Libertação Nacional de Timor-Leste (Falintil), on 20 August, the Government held a ceremony in Dili to recognize and demobilize 236 former Falintil members (40 of them women), including the Prime Minister, the Commander of the Timorese armed forces (Falintil-Forças de Defesa de Timor-Leste (F-FDTL)), Taur Matan Ruak, and the President of Fretilin. The representatives of a number of countries also attended the ceremony, among them a large Indonesian delegation that included the Minister of Defence, Purnomo Yusgiantoro, and senior military officials. On 1 September, the Commander of F-FDTL tendered his resignation.

6. The President of Timor-Leste, José Ramos-Horta, continued his efforts to foster national unity and stability by means of public messages and the organization of high-profile events, including the second "Dili — City of Peace" marathon on 18 June and the third "Tour de Timor" bicycle race from 11 to 16 September. On 8 March, International Women's Day, the President issued a statement calling for solidarity to build a society living in peace, stability and harmony, in which women and men may have a confident outlook and hopeful future.

7. Parliament continued to serve as a vital forum for democratic debate. On 28 January, after two weeks of debate, it approved the 2011 State budget of $1.3 billion, with proposed amendments that included an additional allocation of $1 million for initiatives to combat domestic violence. Following a day-long debate, which was broadcast, Parliament approved, on 11 July, the Timor-Leste Strategic Development Plan for 2011-2030 (see S/2010/522, para. 3), although Fretilin, Partido Unidade Nacional (PUN) and Klibur Oan Timor Asuwain (KOTA) members left before the vote to express dissatisfaction with the debate. On 14 February, Parliament again voted to postpone debate on the two draft laws on reparations and on the follow-up institution to the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship (see S/2011/32, para. 8).

8. On 27 March, a ceremony was held in Dili to celebrate the eleventh anniversary of the national police, the Polícia Nacional de Timor-Leste (PNTL). The event also marked the resumption by PNTL of responsibility for the conduct, command and control of all police operations in the country, on the basis of an exchange of letters, signed on 26 March, between my Special Representative and the Prime Minister (see paras. 21 and 26 below). It was attended by, among others, a 40-member Indonesian police and military delegation, representatives of the diplomatic corps, the UNMIT leadership and the then Under-Secretary-General for Peacekeeping Operations.

9. Several initiatives reflected the active engagement of Timor-Leste as a bilateral and regional partner, as well as its continuing strong relationship with Indonesia. On 29 and 30 June, the Government hosted a meeting of the Organization of Supreme Audit Institutions of the Community of Portuguese-speaking Countries (CPLP), and, from 19 to 23 September, Parliament hosted the third Parliamentary Assembly of CPLP. The Minister for Foreign Affairs, Zacarias da Costa, led a

delegation at the forty-fourth Association of Southeast Asian Nations (ASEAN) Foreign Ministers Meeting, held in Bali, Indonesia on 19 July, at which the President of Indonesia, Susilo Bambang Yudhoyono, expressed his country's hope that support would be lent to the application of Timor-Leste for membership of the Association of Southeast Asian Nations (see S/2011/32, para. 6). Further, on 21 August in Dili, the Prime Minister of Timor-Leste and the Minister of Defence of Indonesia signed a memorandum of understanding on defence cooperation. The two countries also continued to hold consultations on the demarcation of the border in the areas where it remains unresolved (about 3 per cent of the total length of the border), including discussions between the Ministers for Foreign Affairs of the two countries on 23 May in Bali during the sixteenth Ministerial Meeting of the Non-Aligned Movement.

A. Support for dialogue and reconciliation

10. My Special Representative continued her good offices through regular meetings with the President, the Prime Minister, the President of Parliament, Fernando "Lasama" de Araújo, and the Secretary-General of Fretilin. She also continued hosting meetings with representatives of all the political parties, women political party representatives, and representatives of civil society. My Deputy Special Representative for Governance Support, Development and Humanitarian Coordination continued to have regular meetings with the Deputy Prime Minister to discuss issues relating to governance and development, including United Nations electoral support. My Deputy Special Representative for Security Sector Support and the Rule of Law continued to meet with the Secretaries of State for Security and for Defence to discuss policing and broader security sector issues, including UNMIT support for further capacity-building of PNTL.

11. An important dialogue facilitated by the Bishop of Baucau on 26 July expanded on that hosted with prominent national leaders in Maubisse on 21 and 22 August 2010 (see para. 2 above and S/2010/522, para. 9). Participants included the President, the Prime Minister, the Deputy Prime Minister, the Commander of F-FDTL and the President and Secretary-General of Fretilin. In addition, the President of Parliament and representatives of all the major parliamentary parties, PNTL, the electoral management bodies and civil society organizations, among others, were present. A main discussion topic was the need to maintain security and stability during the 2012 electoral period. Participants agreed to continue such meetings, which are an important initiative for the exchange of ideas prior to the elections.

12. In a continuing effort to increase public discourse on women's political participation before the elections, the Secretariat of State for the Promotion of Equality hosted a national meeting on 14 July on the theme "Lessons for women on political life". The President made the opening statement at the meeting, which provided a forum for discussions with women political leaders from the national to the village levels. On 25 August, Rede Feto, a network of women's non-governmental organizations, held a planning workshop, facilitated by UNMIT, on preparation for women's participation in the elections. At an open day on Security Council resolution 1325 (2000), organized by UNMIT, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Programme (UNDP) on 13 September in Baucau, my

Special Representative engaged with village (*suco*), sub-district and district representatives and other community members to discuss women's participation in politics at all levels, including the upcoming elections. On 9 August, the Secretary of State for Youth and Sports, in cooperation with the United Nations Children's Fund (UNICEF), organized the second meeting of the Youth Parliament (see S/2010/522, para. 11), at which the 130 youth parliamentarians discussed key issues affecting young people. The Secretary of State also organized a workshop from 10 to 12 August in Dili, entitled "I'm ready to contribute to sustainable development", which was attended by over 100 young people, including members of the Youth Parliament.

B. Enhancing democratic governance

13. The amendments to the laws on the electoral management bodies, presidential elections and parliamentary elections (see S/2011/32, para. 12) approved by Parliament in April and May, were published in the official gazette on 22 June, allowing for the organization of the 2012 elections to proceed. As the amended parliamentary election law provides for an increase in the quota of women on party lists of candidates to one in every three (from one in every four), the number of women in Parliament (currently 20 out of the 65 members) could further increase.

14. An electoral needs assessment mission was deployed by the Department of Political Affairs from 7 to 17 February to determine the scope of electoral support needed (see S/2011/32, para. 12), in liaison with the National Electoral Commission, the Technical Secretariat for Electoral Administration and other stakeholders. Taking account of the findings of the assessment mission, UNMIT and UNDP, in cooperation with UNICEF and UN-Women, continued to support the electoral management bodies and also assisted in the areas of political party capacity-building, youth and first-time voters' programmes and enhancing women's participation in electoral processes.

15. In collaboration with national stakeholders, UNMIT continued to organize democratic governance forums throughout the country. Three were held at the national level, including one on the theme "Women in Parliament" on 14 April, and 59 at the sub-district level. Over 4,500 people participated in these discussions with Timorese leaders and officials on a wide range of issues.

16. The Anti-Corruption Commission was fully staffed by 31 January and had forwarded seven cases to the Office of the Prosecutor-General as at 20 September. The Commission strengthened its investigative capacity and commenced a range of corruption prevention activities, with support from UNDP. In April, the Commission, in close cooperation with UNMIT, the United Nations Office on Drugs and Crime and UNDP, began coordinating the self-assessment by Timor-Leste of its compliance with the United Nations Convention against Corruption. On 9 May, the Dili District Court acquitted the Deputy Prime Minister, José Luis Guterres, of charges of illegal enrichment and abuse of authority (see S/2011/32, para. 14), a verdict upheld by the Court of Appeal on 17 August.

17. On 6 July, Parliament approved the law establishing the Audit Chamber of the High Administrative Tax and Audit Court. The Chamber will have the power to audit all public finances and to ensure that procurement to a value of more than $1 million complies with the applicable legislation.

18. State institutions also implemented other initiatives to enhance transparency and accountability. On 15 March, the Prime Minister and the Minister of Finance launched the Timor-Leste Budget Transparency Website and, at the first Asia-Pacific Regional Conference on the Extractive Industries Transparency Initiative, hosted on 26 August, they launched the eProcurement Portal, enabling increased public monitoring of State budget execution and contracts. Further, on 21 June, the Office of the Inspector General signed memorandums of understanding with nine State agencies for the conduct of internal audits.

19. Most media outlets remained concentrated in Dili, with a relatively limited presence in the districts. To improve the population's access to information, UNMIT funded the refurbishment of an AM radio transmitter and trained the national radio broadcaster to maintain it.

20. Progress continued towards achieving the benchmarks of the medium-term strategy (see S/2009/72, para. 47) relating to a culture of democratic governance and dialogue. As noted above, concrete steps were taken to strengthen the anti-corruption regime and increase the transparency of public spending. In a further effort to increase the effectiveness of the civil service, the Civil Service Commission initiated a process of converting staff on temporary contracts to regular civil servant status. As at 20 September, 12,500 such staff had been granted regular status. Parliament continued to be a critical forum for the discussion of Government policies and progress in the implementation of programmes, with the active participation of opposition parties.

C. Maintenance of public security

21. The security situation in the country remained stable, with the resumption by PNTL of policing responsibilities on 27 March (see para. 26 below) not affecting the continuing low crime rate. Pursuant to the exchange of letters between the Government and UNMIT (see para. 8 above), and a standing request from the PNTL General Commander, UNMIT police continued to provide operational support to PNTL in such areas as close protection, joint patrols and border policing (see para. 26 below). Dili District accounted for approximately half of all reported crimes.

22. A number of incidents involving martial arts and youth groups occurred, as well as some friction between PNTL and F-FDTL members. The most serious involved a fight between F-FDTL and PNTL officers at Dili hospital on 22 April, following a traffic accident, which resulted in minor injuries to two PNTL officers. In addition to a criminal investigation into the incident and disciplinary proceedings against one F-FDTL officer, the Prime Minister formed a joint commission which recommended, on 7 September, further training for members of F-FDTL and PNTL on their respective roles. The largest PNTL operation was initiated in Baucau District on 20 June after Parliament received reports from *suco* chiefs of security incidents. That operation, which ended on 30 August, involved some 220 officers at its peak. Of the 38 suspects detained, nine have been arrested for various offences (see para. 37 below).

23. On 14 August, in the Zumulai sub-district of Covalima District, an off-duty PNTL officer was fatally stabbed and another person was injured in fighting between members of two martial arts groups. This led to the burning of 58 houses

and the displacement of 168 families, many of whom took refuge in the local Catholic church. PNTL responded, with UNMIT police assistance and air transport support from the international security forces, to bring the situation under control. Ten F-FDTL soldiers based in Covalima District were also deployed. As at 20 September, most of the displaced families had returned to their homes and 33 suspects had been arrested and remained in pretrial detention (15 in relation to the death of the PNTL officer and 18 in relation to property damage). On 19 August, the Secretary of State for Youth and Sports announced a six-month suspension of all martial arts group activities in Covalima. On 9 September, the Ministry of Social Solidarity and UNDP co-facilitated a traditional peacebuilding dialogue with hundreds of community members in the village of Tashilin in the Zumalai sub-district, resulting in commitments to work together to resolve problems that had contributed to the violence.

24. There was a planned reduction in the UNMIT police during the reporting period, with 1,195 officers, including 79 women, deployed as at 20 September, 485 of them in formed police units. Of the latter, 285 officers were deployed in Dili.

25. UNMIT military liaison officers continued to facilitate effective working relationships between the border security agencies of Timor-Leste and Indonesia, and to monitor the security situation along the border and throughout Timor-Leste. Close liaison with the international security forces continued.

D. Support for and institutional strengthening of the security institutions

26. The resumption by PNTL on 27 March of responsibility for the conduct of all police operations in Timor-Leste (see para. 8 above) also marked the end of the PNTL consolidation phase and the beginning of its reconstitution phase. The resumption followed joint Government and UNMIT team assessments indicating that 12 districts and nine units met the mutually agreed criteria for resumption, and the exchange of letters signed on 26 March confirming the Government's determination that any remaining gaps and weaknesses identified in the assessments of all districts and units would be fully addressed within a reasonable time by implementing the necessary arrangements and Government budgeting for logistical requirements. The letters further specified that the arrangements would include the training and capacity-building activities outlined in the PNTL-UNMIT Police Joint Development Plan signed on 23 February and that the Government and UNMIT would make joint periodic progress reports on implementation to the High-level Committee on Transition (see para. 27 below). Pursuant to the exchange of letters, the UNMIT police role has focused on providing support for further institutional development and capacity-building of PNTL, while maintaining a capacity to provide operational support if required and requested (see S/2011/32, para. 60). The UNMIT police concept of operations is being updated to reflect these arrangements.

27. The Joint Development Plan details the five priority areas for UNMIT police capacity-building support: legislation, training, administration, discipline and operations. To help achieve the Plan goals, PNTL and UNMIT police commanders in each district and unit developed specific workplans, which were approved on 15 June. Implementation is being supported by UNMIT police teams comprising officers with skills in each priority area. Among other tasks, UNMIT police

provided training on ethics and leadership to 159 senior PNTL officers (16 of them women) and on gender awareness and analysis and domestic violence to 117 PNTL officers (58 of them women). The PNTL General Commander and the UNMIT Police Commissioner reported on progress in implementation of the Joint Development Plan to the High-level Committee on Transition at its meetings on 19 April, 24 June and 19 September. On 21 July, PNTL, UNMIT and UNDP signed a project document for a joint programme on strengthening police capacity in Timor-Leste, aimed at supporting implementation of the Plan. In preparation for the elections, PNTL and UNMIT police are conducting election-related training for all commanding officers and are developing a joint operations plan.

28. In view of the support needed for PNTL capacity development, the Prime Minister requested in February that the UNMIT police appoint officers with appropriate skills as advisers in specific areas. In collaboration with Government counterparts, UNMIT identified 257 specialized adviser posts, for which 225 candidates, including 27 women, had been selected as at 20 September. In addition, the candidates (six of them women) selected for 18 of the 19 additional civilian expert posts within the UNMIT police component (see S/2011/32, para. 22) were deployed.

29. Of the 199 PNTL officers, including 10 women, with pending criminal or disciplinary issues in December 2010 (see S/2011/32, para. 24), the Office of the Secretary of State for Security has so far recommended that criminal and/or disciplinary action be pursued against 121 (two of them women) and that no further action be taken against the other 78. A special team was formed in the Secretariat of State for Security to assist with the investigations, comprised of two PNTL officers, supported by two UNMIT police officers and an UNMIT legal adviser.

30. Timor-Leste continues to be a leader in the region in terms of women in the police service, who currently comprise 575 of the 3,146 PNTL officers (18 per cent). Further, on 12 April, two PNTL officers were deployed to the United Nations Integrated Peacebuilding Office in Guinea-Bissau. Following the Government's decision to recruit an additional 250 officers for PNTL (see S/2011/32, para. 25), about 9,000 applications were received and, as at 20 September, 500 candidates, 25 of them women, had passed the entry examination.

31. On 29 April, the Border Management Information System was launched in Dili by the Secretary of State for Security, with the continuing support of the International Organization for Migration. It is designed to assist the Migration Service of Timor-Leste to record and manage border movements (see S/2011/32, para. 26).

32. F-FDTL completed the recruitment process in May for 600 additional members (see S/2011/32, para. 27), involving 13,245 applicants. Women were selected for 92 of the 600 positions. From 30 May to 30 August, 300 new recruits, including 30 women, attended a training course at the F-FDTL training centre.

33. F-FDTL continued to strengthen implementation of internal disciplinary procedures. On 27 May, three F-FDTL members convicted of homicide and attempted homicide for the deaths by shooting of eight PNTL officers on 25 May 2006 (see S/2011/32, para. 28) were dismissed. A F-FDTL soldier who allegedly caused the death of an elderly woman on 15 May was dismissed on 17 June (see para. 37 below).

34. Various training and capacity-building activities were undertaken to further strengthen the institutional and human resource capacities of F-FDTL, with support

from UNMIT and other United Nations and bilateral partners (see para. 9 above). UNMIT military liaison officers continued to provide mentoring to F-FDTL officers in preparation for the deployment of the latter to the border areas as liaison officers, and implemented capacity-building initiatives to prepare F-FDTL officers for possible service in United Nations peacekeeping missions. UNMIT military liaison officers also provided support for F-FDTL maritime capacity development and disaster response. On 1 and 2 June and 9 and 10 August, the UNMIT Security Sector Support Unit and Military Liaison Group conducted seminars at the F-FDTL naval base on United Nations maritime peacekeeping operations that were attended by 37 members of F-FDTL. Twelve F-FDTL engineers began six months of joint training on 15 July to prepare for integration into a Portuguese contingent to serve with the United Nations Interim Force in Lebanon. This will be the first military contribution by Timor-Leste to a United Nations peacekeeping mission.

E. Support for a comprehensive review of the security sector

35. The Government made further progress in developing the overarching legislative and policy framework for the security sector. On 3 August, the Council of Ministers approved a decree-law on the PNTL regulation on discipline, and, on 17 August, decree-laws on the use of force and an amended PNTL salary regime, for the drafting of which UNMIT had provided support. The Government also continued to prepare legislation and/or regulations on civil protection, border management and private security companies, with UNMIT support. The Office of the Secretary of State for Security continued to review the draft national security policy and presented the draft document on the comprehensive review of the security sector, prepared with UNMIT technical support, to the Council of Ministers on 11 May (see S/2011/32, paras. 30 and 31). The Secretary of State subsequently incorporated the further comments of ministries in the document. Further, UNMIT and UNDP, in consultation with the Office of the President, the Government and Parliament prepared a security sector development project aimed at strengthening civilian oversight and management capacity within the security sector; implementation of the project started on 1 September.

36. There was further progress towards achieving the objectives and benchmarks of the medium-term strategy in the area of support for security sector institutions. The existing legislation defines clear mechanisms for civilian oversight and sets out the respective roles of the security sector institutions, providing that PNTL is responsible for internal security and that F-FDTL is responsible for external defence but may also be called upon to conduct activities in support of the civil authorities in certain prescribed situations. Yet, further efforts are needed to increase understanding of the legislative and operational frameworks, as well as human rights and gender aspects, of the security services and civilian oversight institutions.

III. Promotion of human rights and justice

A. Support for the monitoring, promotion and protection of human rights

37. During the reporting period, UNMIT received allegations of 76 cases of human rights violations by members of PNTL and of eight by members of F-FDTL.

UNMIT also received allegations of the unlawful arrest and ill-treatment of at least 20 persons during the PNTL operation undertaken in Baucau District in June (see para. 22 above). The F-FDTL member who allegedly sexually assaulted and caused the death of a 65-year-old woman in Dili District was dismissed from the military (see para. 33, above) and the Prosecutor-General has initiated a criminal investigation into this case. To strengthen internal disciplinary mechanisms, PNTL made increased efforts to regularize their implementation in all districts, although further improvements are needed in terms of maintaining records of registered complaints and updating the database.

38. In a positive development, on 10 February, the Prosecutor-General indicted a PNTL officer in relation to a shooting incident on 28 December 2009 that resulted in the death of one civilian and injury to another (see S/2011/32, para. 33). No indictment has yet been filed in the case of an alleged assault by members of the F-FDTL against a civilian on 27 August 2010 that resulted in his death (ibid.). During the reporting period, some incidents of intimidation by community members directed against activities of Protestant churches were reported in Baucau, Dili and Manufahi Districts. The Ministry of Justice announced on 19 July that it is preparing a draft law on religious freedom.

39. Although domestic violence is considered a public crime under the 2009 Criminal Code, a number of such cases continued to be resolved through traditional mechanisms not always consistent with international human rights standards. UNMIT monitored individual cases of reported domestic violence to assess whether measures taken by the formal justice system and relevant service providers conformed with national legal requirements. The Secretary of State for the Promotion of Equality, with support from the United Nations Population Fund (UNFPA) and civil society organizations, continued to conduct training of community leaders for raising awareness and leading dialogue on how to stop domestic violence (see S/2011/32, para. 34). PNTL, through its vulnerable persons and community policing units, also provided training countrywide to encourage community leaders to report all cases of domestic violence.

40. On 17 May, the Ministry of Justice and the National Commission on Child Rights, supported by UNICEF, held public consultations on the draft Children's Code, which was considered by the Council of Ministers on 17 August. UNICEF also supported the National Youth Council in developing its strategic plan. Although some progress was made towards strengthening child protection mechanisms, including the appointment of a prosecutor for child-related issues, further efforts are needed to address issues relating to the protection of children and other vulnerable groups, such as the adoption of juvenile justice legislation and the establishment of separate prison and detention facilities for women and juveniles, educational services for juveniles and services for the mentally challenged.

41. Progress continued to be slow with respect to holding accountable those responsible for crimes and serious violations of human rights during the 2006 crisis (see S/2006/628, para. 24, and S/2011/32, para. 35). As at 20 September 2011, final judgements had been rendered in seven cases, while four cases had been closed. From 7 to 14 February, the United Nations Working Group on Enforced or Involuntary Disappearances visited Timor-Leste and commended the Government for having ratified most of the core United Nations human rights treaties and the Rome Statute of the International Criminal Court. In its preliminary findings, the

Working Group also encouraged Timor-Leste to ratify the International Convention on the Protection of All Persons from Enforced Disappearance and to do more to follow up on the recommendations contained in the reports of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship, including on reparations and the establishment of a public memory institute.

42. Initiatives to strengthen the Office of the Provedor for Human Rights and Justice continued. On 8 June, the organic law for the Office of the Provedor entered into force, establishing the organizational structure and functions of the Office as well as providing for its permanent staffing. A joint UNDP and Office of the United Nations High Commissioner for Human Rights (OHCHR) programme continued to provide training and mentoring to the Provedor's staff (see S/2011/32, para. 36). Outreach efforts also continued, including through mobile outreach clinics in six districts. On 21 March, the Office of the Provedor, together with 55 civil society organizations, submitted a joint report for the universal periodic review to be conducted by the United Nations Human Rights Council concerning Timor-Leste, for which UNMIT and UNDP provided technical assistance.

43. Under the supervision of the Office of the Prosecutor-General, the UNMIT Serious Crimes Investigation Team continued its investigations into cases relating to crimes against humanity and other serious crimes committed between 1 January and 25 October 1999. As at 20 September 2011, investigations into 235 of the 396 outstanding cases (59 per cent) had been concluded, 51 during the reporting period. Twenty-four cases are currently under investigation, including three relating to alleged gender-based violence. On 25 January, the Prosecutor-General filed an indictment with the Dili District Court against two former Besi Merah Putih militia members. On 8 July, the Dili District Court sentenced one of the accused to nine years' imprisonment for murder as a crime against humanity committed on 6 September 1999 in Liquiçá, after which the defence filed a notice of appeal. The second indictee has not been prosecuted as he remains at large. Aiming to complete all investigations by the end of 2012, UNMIT increased the number of Serious Crime Investigation Team investigating teams from 5 to 13. However, completion of all investigations may not be possible owing to such factors as the complexity of cases, resource limitations and limited access to certain witnesses.

44. UNMIT continued to give high priority to the zero-tolerance policy on sexual exploitation and abuse. The HIV/AIDS Unit continued its awareness programme under the "UN Cares" strategy. From 8 January to 20 September, 733 staff (including 125 women) of UNMIT and United Nations agencies received HIV/AIDS-related training.

B. Support for capacity-building and strengthening of the justice system

45. According to statistics released by the Office of the Prosecutor-General, 2,963 criminal prosecution cases were processed between 1 January and 31 August 2011, which is a significant improvement. With 2,646 new criminal prosecution cases registered, there are 4,830 pending cases. The integrated case management system (see S/2011/32, para. 40) was extended, with support from UNDP and bilateral partners, beyond the Office of the Prosecutor-General to the Office of the Public Defender, the National Directorate of Prison Services and Social Reintegration,

PNTL and the courts. The Legal Training Centre, with UNDP support, offered a range of courses tailored to the needs of justice sector actors, resulting in the strengthening of capacities. UNMIT and UNDP continued to provide support to the National Directorate of Prison Services and Social Reintegration, including for the development of a parole/probation system aimed at social reintegration, for vocational training and for the strengthening of internal policies (see para. 40 above).

46. The Government, in partnership with civil society and Parliament, made various efforts to promote implementation of the Law against Domestic Violence through public information campaigns and consultations. On 4 March, the Secretary of State for the Promotion of Equality, in collaboration with the Office of the Prosecutor-General, organized a round-table discussion on implementation of the Law with the Public Defender General, prosecutors, judges and representatives of the Ministries of Justice and Social Solidarity, as well as of civil society, UNMIT and United Nations agencies. The Secretary of State held another dialogue on the Law on 8 March with 400 village chiefs (10 of them women) from all districts to consult with them on implementation strategies. In a further initiative, on 9 August the Secretary of State hosted a national consultation on a draft three-year national action plan on gender-based violence with representatives of the justice sector, various ministries, PNTL, civil society and other stakeholders. UNMIT and UNFPA provided support for these activities through the Millennium Development Goal Achievement Fund Joint Programme. In addition, UN-Women supported the Secretariat of State for the Promotion of Equality to ensure effective implementation of gender-responsive budgeting by ministries.

47. Notable progress was made towards meeting the objectives and benchmarks of the medium-term strategy in the area of the rule of law, justice and human rights, including with regard to the Justice Sector Strategic Plan for Timor-Leste (see S/2010/522, paras. 4 and 38). In particular, continued progress was made in the transition of international legal actors out of line functions into advisory roles. An additional four national judges (one a woman), five public defenders and five prosecutors were sworn in on 16 May, raising the totals to 25 judges (five of them women), 21 prosecutors (five of them women) and 18 public defenders (three of them women). While national judicial capacities have increased, 22 international legal actors are still supporting justice institutions, 11 in the courts, 9 in the Office of the Prosecutor-General and 2 in the Office of the Public Defender. In addition, draft laws on the recognition of customary law, access to the courts, sentence execution and juvenile justice are being reviewed by the Ministry of Justice.

IV. Support for the national priorities programme, socio-economic development and humanitarian assistance

A. Support for the national priorities programme process

48. The national priorities programme, the targets of which constitute the international compact for Timor-Leste (see S/2008/501, para. 36), remained the main planning, monitoring and donor coordination mechanism while the Government prepared the Strategic Development Plan (see paras. 7 above and 51 below). UNMIT and the World Bank continued to support the national priorities secretariat. On 15 and 16 June, Timor-Leste and the United Kingdom of Great Britain and Northern

Ireland co-chaired the second International Dialogue on Peacebuilding and Statebuilding, in Monrovia. At that forum, representatives of the Group of Seven Plus fragile States (co-led by Timor-Leste), together with representatives of other countries, donor partners and civil society, discussed how development assistance can better facilitate the achievement of the Millennium Development Goals (see S/2010/522, para. 44).

49. On 5 April, the national Millennium Development Goals Steering Committee, chaired by the Minister of Finance, agreed to prioritize "off-track" Millennium Development Goal targets, particularly those relating to nutrition. The Committee also agreed to include in an advisory capacity the United Nations Resident Coordinator, the International Labour Organization (ILO), UN-Women, UNICEF, the World Food Programme (WFP) and the World Health Organization (WHO). A Millennium Development Goal *suco* programme was included in the 2011 State budget. Among its goals is that of constructing five houses in each of the country's 2,228 sub-villages (*aldeias*) to improve the living conditions of 55,000 families over five years.

B. Socio-economic development

50. Public expenditure continued to drive the strong economic growth of Timor-Leste during the reporting period and the Petroleum Fund reached $8.3 billion as at 30 June 2011, according to the Banking and Payments Authority. The 2011 State budget of $1.3 billion was promulgated on 14 February (see para. 7 above). It included provisions for the establishment of an infrastructure fund ($506 million) and a human capital development fund ($25 million).

51. From 11 to 13 July, the Government hosted the fourth Timor-Leste Development Partners Meeting, in which delegations from over 50 countries and other stakeholders, including UNMIT and United Nations agencies, participated. On that occasion, the Prime Minister officially launched the Timor-Leste Strategic Development Plan for 2011-2030 (see para. 7 above), which sets out economic growth and poverty reduction strategies covering the vital areas of social capital, infrastructure and economic development. The Meeting endorsed the Dili Development Pact, which sets out commitments of the Government and its partners for development engagement and acknowledges the Strategic Development Plan as the overarching framework for all project and programme creation and implementation. On 3 May, the President of Timor-Leste and UNDP launched the *Timor-Leste National Human Development Report 2011: Managing Natural Resources for Human Development: Developing the Non-Oil Economy to Achieve the Millennium Development Goals*.

52. Concerning the critical petroleum sector, Parliament approved the first amendment to the 2005 Petroleum Fund Law on 23 August, allowing for increased flexibility of investment in various financial instruments and the possibility of obtaining loans. On 25 May, the Council of Ministers approved a decree-law establishing Timor Gas and Petroleum (TIMORGAP) as a public company to manage assets of the petroleum sector that are State property. In addition, the National Commercial Bank of Timor-Leste, the first Government-owned bank, was opened on 11 July, with 10 district branches. On 13 September, the Central Bank of

Timor-Leste was opened, assuming functions of the former Banking and Payments Authority.

53. On 8 July, the National Statistics Directorate of the Ministry of Finance issued the final results of the 2010 population and housing census undertaken with UNFPA support (see S/2011/32, para. 48). Key findings include rapid migration to urban areas; disparities between school enrolment rates in rural and urban areas; increased literacy rates; declining labour force participation and employment rates; and access to clean water by about two thirds of households.

54. The Government continued to provide food assistance to approximately 300,000 food-insecure and vulnerable persons, with WFP support, through the maternal and child health and nutrition, school feeding and food for work/assets programmes. In June and July the Ministry of Health implemented, with support from UNICEF, WHO and bilateral partners, a country-wide integrated campaign to provide measles immunization, vitamin A supplementation and de-worming medication which reached 96 per cent of the 495,000 children targeted.

55. On 25 and 26 February, the Secretariat of State for Professional Training and Employment, in collaboration with ILO, organized a careers exhibition in Dili, attended by 5,000 students, at which Government representatives, private enterprises, training providers and educational institutions promoted career pathways and study opportunities. On 17 June, the Secretary of State signed an agreement with ILO and the Confederation of Trade Unions of Timor-Leste for a training programme relating to the tourism sector for 700 young people.

C. Humanitarian assistance

56. On 18 August, the Disaster Management Working Group chaired by UNDP presented a paper to the Government on options for institutional arrangements for disaster risk management in Timor-Leste. The paper is intended to facilitate the Government's efforts to enhance coordination between institutions with disaster response responsibilities, and to strengthen national capacities for disaster prevention, preparedness and recovery.

V. Transition preparation

57. UNMIT and the Government, together with other stakeholders, made further progress in the transition process (see S/2011/32, paras. 55-56). On 2 February, at its second meeting, hosted by the President and attended by the Prime Minister and other Government representatives, the PNTL General Commander and my Special Representative and senior management team, the High-level Committee on Transition agreed that the Government and the United Nations would develop a joint transition plan. The seven joint technical working groups, composed of Government and United Nations focal points, first met on 17 February and adopted an outline for the plan. To ensure coordinated action, the working groups proceeded to identify priority needs to be addressed, objectives for collaboration and specific action to be taken in the draft plan's seven focus areas until the completion of the UNMIT mandate, on the basis of Government priorities. In addition, the working groups identified what support currently provided by UNMIT would be needed beyond the

anticipated end of its mandate, and possible arrangements for handover to State institutions, bilateral and multilateral partners, the United Nations country team or other entities. Relevant working groups also involved representatives of various Member States and the donor community. In this context, and to sustain support for peacebuilding efforts, the United Nations country team worked with UNMIT and Government counterparts to establish resource requirements for activities which its members intend to strengthen between 2012 and 2014, in alignment with the Government's Strategic Development Plan and the Dili Development Pact. In response to the Security Council's request for an update on planning concerning the United Nations presence beyond the 2012 elections (see Security Council resolution 1969 (2011), para. 19), preliminary discussions have begun. The joint transition plan (see para. 58 below) sets out four possible models for United Nations engagement after the withdrawal of UNMIT, three of them based on experience gained in other countries and one suggested by the Government of Timor-Leste, subject to a strategic assessment and noting that any option would need to be discussed with the Government that will be formed following the 2012 elections. The Plan models currently include: (a) a political office headed by a representative of the Secretary-General, with a separate United Nations country team headed by a resident coordinator; (b) an integrated United Nations office headed by an executive representative of the Secretary-General, who would also serve as the resident coordinator; (c) a United Nations resident coordinator's office; and (d) a political mission tailored to the specific needs of Timor-Leste.

58. At the meetings of the High-level Committee on Transition held on 19 April and 24 June, briefings were provided by the Government and UNMIT on the progress of the working groups in preparing the joint transition plan, and members provided feedback. Briefings on the plan were also provided to relevant stakeholders throughout the drafting process. My Special Representative and her senior management team, regularly reported on the transition planning process to leaders of political parties, and representatives of civil society, donors and Member States, including through briefings after each High-level Committee meeting and in bilateral consultations. On 27 July and 17 August, the Deputy Prime Minister provided briefings on the draft plan to the Council of Ministers, which, following further consultations, approved a final text on 14 September. The Deputy Prime Minister also hosted a meeting that day with the diplomatic community, together with UNMIT and the United Nations country team, to share the draft plan, and welcomed their feedback throughout the process. At its meeting on 19 September, the High-level Committee approved the plan, which was then signed by the President, the Prime Minister and my Special Representative. To ensure that transition planning is responsive to developments on the ground, the plan will be subject to quarterly review and adjustments, as necessary.

59. In order to enhance the skills of its national staff so that they have greater employment prospects after the Mission's withdrawal, UNMIT is implementing a multi-phase capacity-building project combining internal and international skill certification with career development support. On 10 June, the first group of national staff graduated from the project's first phase. Various staff of the Office of the President, two ministries and PNTL have also participated in this training project of UNMIT.

60. The High-level Committee on Transition has also discussed preparations for the possible transfer of certain UNMIT equipment, pursuant to the United Nations

Financial Regulations and Rules and subject to General Assembly approval. Further to those discussions, the Mission has engaged with national authorities on the issue of UNMIT-managed assets and services which may be required after drawdown. On 20 July, the Mission provided the Ministry of Finance with a breakdown of UNMIT equipment and maintenance cost estimates for 56 sites where the PNTL and UNMIT police are co-located. At the High-level Committee meeting on 19 September, the PNTL General Commander made a presentation highlighting, in relation to the planned UNMIT police withdrawal, the costs of operating, maintaining and replacing UNMIT assets that are supporting PNTL. The Government and the Mission are also collaborating to ensure continuity with respect to air support, fleet management, geographic information, and translation and interpretation services, as outlined in the joint transition plan.

VI. Financial aspects

61. The General Assembly, by its resolution 65/297, appropriated $196.1 million for the maintenance of UNMIT for the period from 1 July 2011 to 30 June 2012. As at 31 July 2011, unpaid assessed contributions to the Special Account for UNMIT amounted to $150.8 million. Outstanding assessed contributions for all peacekeeping operations as at that date totalled $3,451.4 million.

62. As at 31 August 2011, amounts owed to formed police contributors to UNMIT totalled $5.4 million. Reimbursement of personnel and contingent-owned equipment costs has been made for the periods up to 28 February 2011 and 31 December 2010 respectively.

VII. Observations

63. Among the encouraging developments during the reporting period, a key event was the resumption by PNTL on 27 March of responsibility for the conduct, command and control of all police operations in Timor-Leste, with the UNMIT police intensifying the focus on further institutional development and capacity-building of PNTL based on the Joint Development Plan (see paras. 8, 26 and 27 above). It is reassuring that the overall low rate of reported crime remained largely unchanged and that a situation of general stability and calm continues throughout the country.

64. Nonetheless, the upcoming electoral period, with likely active campaigning and intense political competition, could pose a test for PNTL, which continues to face logistical constraints (see S/2010/85, para. 176, and S/2010/522, paras. 23 and 59). It will therefore be particularly important to ensure that PNTL has the ability to respond to potential security challenges during the electoral period and beyond, including in remote areas, which will also require that its logistical needs are adequately addressed. The UNMIT police will stand ready to provide operational support to PNTL, if required and requested, during this crucial period.

65. To ensure effective UNMIT police support to PNTL, a key challenge will continue to be the identification and selection of qualified UNMIT police officers within the current ranks to fill the remaining specialized adviser posts (see para. 28 above), as well as the longer deployment of these and other experienced officers,

until the end of 2012. Given the deployment restrictions of some police-contributing countries, and in order to respond to the appeal by the Government of Timor-Leste for UNMIT to maximize the utilization of resources to contribute to the effective implementation of the Joint Development Plan, I encourage all countries concerned to approve requests for the extension of deployment of police officers serving in key UNMIT positions.

66. In addition to the demonstration of Timorese leadership in resuming control over all policing operations, I welcome the continued commitment of all leaders, of political parties and civil society alike, to ensuring peace and stability in the country as it approaches the next elections, as well as the respect shown by all parties, including the opposition, for democratic processes in addressing issues of concern. In this context, I commend efforts by Timorese leaders to engage in continued and expanded dialogue, including within the framework of the "Maubisse II" initiative (see para. 11 above), and encourage their sustained engagement throughout the electoral period, which will also help to foster confidence among the population — women and men — to participate in political and electoral processes. The strong leadership of Timor-Leste in other initiatives with regional and international partners also reflects the dividends of dialogue, as shown by, for example, its role in co-chairing or hosting the second International Dialogue on Peacebuilding and Statebuilding, the first Asia-Pacific Regional Conference on the Extractive Industries Transparency Initiative and the meeting of the Organization of Supreme Audit Institutions of the Community of Portuguese-speaking Countries and the Group of Seven Plus fragile States (see paras. 9, 18 and 48 above).

67. As for the election process itself, I am pleased with the progress made by the national electoral management bodies, with integrated assistance from UNMIT and the United Nations country team, in the preparations for the 2012 presidential and parliamentary elections. The conduct of credible and peaceful elections, for the second time since the 2006 crisis, will be a critical milestone for Timor-Leste. Member States can also play an important role in supporting the electoral process, including by sending observers and ensuring sufficient funding for United Nations electoral assistance programmes, as requested by the Government.

68. Given the generally calm security situation and positive political climate, as well as commitments to a peaceful electoral process, UNMIT, jointly with the Government, is proceeding with the transition process on the assumption that the overall situation will remain stable and peaceful, allowing for continued planning for the Mission's departure by the end of 2012. To optimize efforts during the remaining period ahead, UNMIT will continue to focus, in each of its mandated areas, on the priority needs and activities identified jointly with the Government in the context of the joint transition plan, which will be regularly reviewed and amended in the light of ongoing developments. Consultations will also continue on the various options for a United Nations presence in Timor-Leste following UNMIT (see para. 57 above). While striving to make further progress towards achievement of the medium-term benchmarks, UNMIT will increase its focus on providing capacity-building support in all its mandated areas, including to strengthen PNTL and other Timorese institutions. It is hoped that this support and that of others will contribute to the efforts of the Timorese leadership and people to make even further progress towards realizing their goals for the current decade, including through promoting inclusive, equitable, and sustainable growth while reducing poverty and unemployment, improving education, promoting sustainable livelihoods, and

strengthening social protection mechanisms, particularly for young people and women. The United Nations country team's programmes and activities in these areas, which are intended to continue after the withdrawal of UNMIT, will also contribute to these efforts, provided the required funding is obtained.

69. In conclusion, I wish to thank my Special Representative, Ameerah Haq, for her leadership, and all of the staff of UNMIT and the United Nations country team for their continued efforts to support the people of Timor-Leste in advancing peace, stability and development. I also wish to thank the international security forces for their continued support to UNMIT, including with respect to the maintenance of a stable security situation in the country.

United Nations S/2011/642

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Letter dated 17 October 2011 from the Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, and in accordance with paragraph 14 of Security Council resolution 1980 (2011), I have the honour to transmit herewith the midterm report of the Group of Experts on Côte d'Ivoire.

I would appreciate it if the present letter and the attached report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Maria Luiza Ribeiro **Viotti**
Chair
Security Council Committee established pursuant to
resolution 1572 (2004) concerning Côte d'Ivoire

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Letter dated 20 September 2011 from the Group of Experts on Côte d'Ivoire addressed to the Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

The members of the Group of Experts on Côte d'Ivoire have the honour to submit herewith the midterm report of the Group, prepared in accordance with paragraph 14 of Security Council resolution 1980 (2011).

(*Signed*) Ilhan **Berkol**

(*Signed*) Omayra **Bermúdez-Lugo**

(*Signed*) Joel **Salek**

(*Signed*) Manuel **Vazquez-Boidard**

Report of the Group of Experts on Côte d'Ivoire pursuant to paragraph 14 of Security Council resolution 1980 (2011)

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Abbreviations

BCEAO	Central Bank of West African States
CFAF	CFA franc
CGFCC	Comité de gestion de la filière café-cacao
COJEP	Congrès panafricain des jeunes et patriotes
FAFN	Forces armées des Forces nouvelles
FRCI	Forces républicaines de Côte d'Ivoire
GDP	Gross domestic product
GRPIE	Groupe de recherche et de plaidoyer sur les industries extractives
KP	Kimberley Process
KPCS	Kimberley Process Certification Scheme
OIC	Office ivoirien des chargeurs
PETROCI	Société nationale d'opérations pétrolières de la Côte d'Ivoire
SODEMI	Société pour le développement minier de la Côte d'Ivoire
UNOCI	United Nations Operation in Côte d'Ivoire

I. Introduction

1. In a letter addressed to the President of the Security Council dated 7 July 2011 (S/2011/419), the Secretary-General announced his appointment of four members of the Group of Experts as follows: Ilhan Berkol (Turkey, customs expert), Omayra Bermúdez-Lugo (United States of America, diamond expert), Joel Salek (Colombia, finance expert) and Manuel Vazquez-Boidard (Spain, regional expert). A Political Affairs Officer of the United Nations Secretariat, Manuel Bressan, assisted the Group.

2. The Group of Experts commenced its work on 20 July 2011. During the reporting period, its activities included meetings with Member States, international and regional organizations and Government authorities in Côte d'Ivoire to obtain information relevant to the Group's investigations. Members of the Group visited Belgium and France in September 2011, in addition to conducting field visits throughout Côte d'Ivoire during the reporting period. In the second part of its mandate, the Group intends to intensify its field-based investigations within Côte d'Ivoire and in the region, in addition to visiting a number of Member States in pursuit of information relevant to its investigations.

3. The Group commenced its investigations after the 2011 post-electoral crisis in Côte d'Ivoire, dedicating particular attention to contacting and improving cooperation with the members of the new Ivorian Administration.

4. The Group is extremely concerned that the 2011 post-electoral crisis in Côte d'Ivoire has resulted in the circulation of large amounts of weapons and ammunition, all through the country, that are still unaccounted for. This situation has important national and regional implications, since numerous caches of weapons have been found in areas near the border with Liberia, and Liberian mercenaries are still active in remote parts of western Côte d'Ivoire. At the time of writing the present report, more than 170,000 Ivorian refugees in Liberia have not returned to Côte d'Ivoire, which is testament to the fact that the security situation in Côte d'Ivoire, and notably in the west of the country, remains a challenge for the Ivorian authorities.

5. The Group also notes that, after the 2011 post-electoral crisis, forces loyal to the previous Ivorian Administration still remain active abroad, notably in Liberia and Ghana.

6. The Group understands that the ultimate security and political stabilization of Côte d'Ivoire may depend on the timely holding of free, democratic and transparent legislative and municipal elections. The organization of these elections in a country with deep political divisions, inadequate electoral infrastructure, and precarious security conditions, still remains an important challenge.

7. Numerous interlocutors have emphasized the commitment of the Administration of President Ouattara in planning the restructuring of the national economy and of fundamental sectors of Côte d'Ivoire, such as the national army, police, gendarmerie, customs and judicial system, and the overall redeployment of State officials.

8. The Group welcomes these efforts to re-establish law and order, good governance and transparency and to restore the country's economic infrastructure and the State's authority in Côte d'Ivoire, and stresses the importance of the complete, effective and substantial control of the whole territory by the new Administration. The Group notes that the lack of such control over Ivorian territory by State officials and their

ineffective redeployment represent a risk of possible violations of the sanctions regime imposed by the Security Council.

II. Investigation methodology

9. In each of its investigations, the Group has endeavoured to seek incontrovertible documentary evidence to support its findings, including physical evidence provided by markings applied to arms and ammunition. When such specific evidence is not available, the Group requires at least two independent and credible sources to substantiate a finding.

10. The Group conducted, when possible, investigations in each of its mandated fields to evaluate potential violations of relevant Security Council sanctions.

11. The Group notes that although its mandate was extended by the Security Council on 28 April 2011 pursuant to paragraph 13 of Council resolution 1980 (2011), four of its five experts were appointed on 7 July 2011, and the remaining (arms) expert has yet to be appointed.

12. The present document is the midterm report of the Group, provided pursuant to paragraph 14 of resolution 1980 (2011). In order not to compromise a number of ongoing investigations, the Group has chosen not to disclose specific details of a number of its enquiries in this report.

III. Cooperation with stakeholders

13. In accordance with resolution 1980 (2011), the Group of Experts continued its cooperation with the United Nations Operation in Côte d'Ivoire (UNOCI) and Force Licorne, and exchanged information with the Mission's Integrated Embargo Cell on measures taken to monitor the sanctions regime and possible violations thereof. This section presents issues related to the Group's cooperation with stakeholders in Côte d'Ivoire, including the Government of Côte d'Ivoire and UNOCI.

A. Cooperation with the Government of Côte d'Ivoire

14. At this early stage of the mandate, the Group of Experts have benefited from the good cooperation and assistance provided by the new Government of Côte d'Ivoire. The Group's requests for meetings and information-sharing have usually been granted and resulted in a better understanding of the political and security situation after the recent conflict and the identification of possible breaches of the sanctions regime. The Group looks forward to the continuation and further improvement of cooperation with the Ivorian authorities.

B. Cooperation with the United Nations Operation in Côte d'Ivoire

15. During the current mandate, the Group of Experts wishes to note the important support provided by UNOCI. The Mission continues to provide successive Groups of Experts with offices, transport and administrative support. The Group also expresses its appreciation for the consistent support provided by the UNOCI

Integrated Embargo Cell, which has proved to be an effective partner in all of the Group's fields of investigation.

IV. Arms

16. The Group is mandated by the Security Council to monitor the implementation of the sanctions regime concerning Côte d'Ivoire, notably the arms embargo. As cited above, at the time of writing the present report, the arms expert of the Group had not yet been appointed. As a result, the Group has not been able to properly monitor the embargo on weapons and related materiel, and was similarly unable to follow up pending investigations from previous mandates.

17. During the first part of its mandate, the Group visited Côte d'Ivoire on two occasions. After the post-electoral crisis, thousands of weapons still remain unaccounted for and pose a threat to the stabilization of the country, notably in the west of the country and along the border with Liberia. The Impartial Forces and the Forces républicaines de Côte d'Ivoire (FRCI) have seized important quantities of arms and ammunition, including heavy weapons, at various former Presidential sites and in different districts of Abidjan.

18. A wide range of interlocutors, including UNOCI, Force Licorne and Ivorian officials, have conveyed their concerns to the Group regarding the absence of an arms expert, and have transmitted relevant information concerning possible breaches of the sanctions regime before and during the 2011 post-electoral crisis.

V. Finance

19. Immediately after the end of the 2011 post-electoral crisis, multiple findings of new arms caches throughout the country, made by UNOCI, Force Licorne and the current Administration, strongly suggest that the Government of former President Gbagbo had invested large amounts of the State's budget in the purchase of arms and related materiel.

20. It is important to recall that the Group's mandate includes the examination of sources of funding for the purchase of weapons, as set forth in paragraph 7 (b) of Security Council resolution 1727 (2006), which refers to investigations "on the sources of financing, including from the exploitation of natural resources in Côte d'Ivoire, for purchases of arms and related materiel and activities".

21. In this connection, previous Groups of Experts had already documented how some State agencies and companies were at risk of being used as a source of funds for arms purchases (see para. 129 of the Group's April 2011 report, S/2011/271).

22. The Group considers that its previous assessments were accurate concerning the use of revenues coming from State agencies to purchase arms and related materiel in violation of the sanctions regime. These assessments are also supported by recent and ongoing investigations by the current Government of Côte d'Ivoire and by numerous attempts by the previous Administration to destroy evidence of such transactions.

23. This section of the report presents a summary of the transition from the financial chaos that marked the post-electoral crisis to the commencement of a

functioning economy. The Group considers that rebuilding a more transparent economic system is of fundamental importance in order for the Ivorian authorities to comply with the sanctions regime.

A. Financing the purchase of arms

24. The Group notes with concern how, in an apparent deliberate effort to destroy all evidence of financial embezzlement, the former Government of President Gbagbo destroyed, at almost every ministerial agency, multiple records that may have assisted the Group in determining the nature of the diversion of public funds and their use in violation of the arms embargo.

25. During its meetings with Government officials from the Internal Revenue Service and the Customs Authority, the Group was informed that a great deal of these offices' files and equipment, including computers and official vehicles, were stolen during the 2011 post-electoral crisis.

26. These events, while making it difficult to build a trail of financial transactions that could be linked or related to the purchase of arms, reinforce the concerns expressed in previous Group of Experts reports concerning the diversion of funds for the purchase of arms and related materiel in violation of the sanctions regime. Many of the suspicious transactions were reportedly made through verbal agreements in order to avoid possible retracing, investigation and prosecution.

1. Transactions to finance military activities and the purchase of arms

27. It is important to note that previous Groups of Experts had already expressed concerns about the possible diversion of funds from Government agencies during the Administration of former President Gbagbo, highlighting that some 50 Government agencies, operating in various economic sectors, managed quasi-fiscal tax revenues that were not accounted for in the Government's official budget. The lack of budget accountability left these revenues open to mismanagement, embezzlement and diversion, the latter constituting a severe risk for possible sanctions violations (see para. 129 of S/2011/271).

28. The Group is also currently investigating incidents, which reportedly occurred in December 2010 and January 2011, in which aircraft transported some 125 boxes, containing a multimillion amount in CFAF funds, from Abidjan to the western city of Daloa. This amount was reportedly being transferred on behalf of the Central Bank of West African States (BCEAO), and the Group is awaiting confirmation of this information from the Central Bank. The Group cannot rule out the prospect that these funds were, in fact, used to finance military activities and the purchase of arms and related materiel in violation of the sanctions regime.

29. The Group continues to focus on this and similar transactions and will provide a full analysis in its final report of April 2012.

30. The Group has, at the same time, high expectations for the results of the auditing campaign initiated in June 2011 by President Ouattara with respect to 43 Ivorian Government agencies suspected of being a conduit for the embezzlement of funds and partly used for the purchase of arms and related materiel.

31. In this context, the Minister of Justice of Côte d'Ivoire informed the Group during a meeting on 6 September 2011 that preliminary reports with the results of the auditing of 20 of the 43 agencies have already been established, and the whole process of investigation will be finalized by the end of October 2011.

2. Economic measures and compliance with the sanctions regime

32. The 2011 post-electoral crisis in Côte d'Ivoire had a severe impact on the country's economy. According to the International Monetary Fund, economic growth is projected to be negative by the end of 2011, at -6.3 per cent.

33. A combination of factors led to this situation, namely the closure of BCEAO as well as the majority of private banks in Côte d'Ivoire, the economic sanctions imposed by the European Union in 2010-2011 against 121 individuals and entities,[1] including the most important State-owned companies such as the Société nationale d'opérations pétrolières de la Côte d'Ivoire (PETROCI) and the Comité de gestion de la filière café-cacao (CGFCC), and the closure of the seaports of Abidjan and San Pedro (see paras. 139-141, 143, 144, 147 and 148 of S/2011/272).

34. In an attempt to restore an efficient economic system, the new Administration of President Ouattara put in place a series of economic measures in early July 2011, notably a series of audits of 43 Government agencies, which are of paramount importance to safeguard compliance with the embargo. The Group is convinced that good governance practices are a useful measure to deter the diversion of funds for the purchase of arms.

35. The Group will continue to follow up and investigate during the remainder of the mandate the effectiveness of the measures in place, with a view to reassuring compliance with the sanctions regime.

36. For this purpose, the section below includes the results of the Group's investigations into traditional industries that generate the most revenue for the State with regard to the sources of financing, including from the exploitation of natural resources such as cocoa, oil, minerals and timber that could be used to purchase arms and related materiel.

(a) Cocoa

37. The cocoa industry is critical to the health of the country's economy. In 2010, cocoa exports represented 15.6 per cent of Ivorian GDP. During the 2011 post-electoral crisis, cocoa exports came to a complete halt after President Ouattara called for a ban on exports on 24 January 2011. Exports resumed by the end of April 2011, when the conflict was stabilized.

38. One of the consequences in the international market of the temporary ban on cocoa exports was that prices experienced an unprecedented high of $3,730.25 per ton on 3 March 2011, while by contrast, the ban negatively affected the work and income of thousands of families and a large number of cocoa businesses in the country.[2]

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[1] See http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:341:0045:0048:EN:PDF; http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:093:0010:0015:EN:PDF; http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:183:0027:0027:EN:PDF.

[2] International Cocoa Organization, *Quarterly Bulletin of Cocoa Statistics*, vol. XXXVII, No. 3 (cocoa year 2010-2011), table 7.

39. The above notwithstanding, according to the International Cocoa Organization, despite the political crisis and owing to ideal weather conditions, Ivorian cocoa production is expected to reach 1.47 million tons in 2011 (with an approximate value of $3.9 billion), surpassing the 1.242 million tons of the previous year.[3]

40. The Group looks forward to a meeting with the Ministry of Agriculture with a view to analysing the reforms the new Administration has adopted in the cocoa industry, given the fact that in the previous Government, large amounts of taxes paid to CGFCC were unaccounted for in the country's budget, and on occasions, used for the purchase of arms (see para. 134 of S/2011/271 and para. 22 of S/2006/204).

41. In this regard, on 6 September 2011, during a meeting with the Minister of Justice, the Group requested information concerning the investigations into 30 senior members of CGFCC who had been arrested in 2009 (see paras. 136 and 137 of S/2011/271).

42. The Minister informed the Group that during the 2011 post-electoral crisis those detainees had been released, and he indicated that he would provide the Group with the information about the results of such investigations. The trials on these particular cases will restart in October 2011.

43. The Group will therefore continue its investigations into the cocoa industry and believes that close monitoring is necessary to prevent Government revenues derived from this commodity being used for the purchase of arms and related materiel, in violation of the sanctions regime.

(b) Oil

44. In 2010, crude oil exports represented 13 pre cent of Ivorian GDP. Previous Groups of Experts reported how the management of oil revenues had been opaque to the point that a sum of approximately $380 million dollars per year, an amount equal to that of Côte d'Ivoire's annual military budget, presents a serious risk of misappropriation, including the diversion of oil revenues for the purchase of arms and related materiel in violation of the embargo (see paras. 144-154 of S/2011/271).

45. The Group welcomes the efforts of the Government of Côte d'Ivoire to increase transparency in the oil industry and acknowledges the cooperation of the Ministry of Mines and Energy in having provided the Group with a status report that describes the review of the country's crude oil industry exerted by an ad hoc committee (Comité de suivi des enlèvements de pétrole brut). The committee comprises a number of representatives of various Government agencies, namely, hydrocarbons, taxes, customs, the State oil company PETROCI, a private auditing company and representatives of private oil associated companies.

46. The status report is dated 28 July 2011 and covers the country's crude oil extraction from 1 April to 30 June 2011, as shown in table 1 below.

[3] Ibid.

Table 1
Distribution and development of crude oil by entities, April-June 2011

Entity	*Net quantities in bbls (oil barrels)*	*Percentage*	*Value in United States dollars*	*Percentage*
Private companies	1 715 525	51.60	195 693 015	52.09
PETROCI	45 684	1.37	5 193 382	1.38
State	1 563 248	47.02	174 811 772	46.53
Total	**3 324 457**	**100**	**375 698 169**	**100**

Source: Côte d'Ivoire, Comité de suivi des enlèvements de pétrole brut (Ministry of Mines and Energy), "Rapport sur les enlèvements de pétrole brut. Deuxième trimestre 2011", July 2011.

47. The report concludes by stressing how the Government has complied with all its commitments in this sector, including the registration of revenues from oil and gas in the State's budget, the recovery of the industry's returns for the State treasury, the submission of monthly reports to the International Monetary Fund that include tables with crude oil extraction, and finally, the production of quarterly reports.

48. The Group recognizes that this is the first time it has received information from the Ivorian authorities regarding the oil sector and encourages the Government to continue exerting great vigilance and supply the Group with further financial information on the oil industry, therefore avoiding the possibility that State revenues, especially those derived from Ivorian natural resources, may be used in violation of the sanctions regime.

(c) Mining industry

49. The Group is aware of the importance of continuing to monitor and report on all natural resources in the country that have the potential to be used for the purchase of arms and related materiel in violation of the sanctions regime.

50. Owing to its late appointment, the Group did not have the opportunity to visit mining locations, namely gold and manganese mines, throughout the country.

51. However, the Group received from the Ministry of Mines and Energy a chart with the locations of all existing mines and looks forward, during the remainder of its mandate, to organize visits in order to follow up previous Groups' findings related to the mining industry (see paras. 175-182 of S/2011/271).

52. Field visits will also allow the Group to have updated statistics and investigate if revenues collected for the exploitation of those natural resources are at risk of diversion in violation of the embargo.

(d) Timber

53. The Ministry of Water and Forestry provided the Group with data on forestry production in the country from 2004 to 2009. However, the Ministry expects to have more comprehensive and complete data on quantities and potential related taxation once field verifications of all forest exploitation areas of the western, northern and central regions are possible.

54. In a similar manner as for other natural resources, the Group intends to continue its investigations with a view to preventing potential diversions of revenues derived from the timber industry for the purchase of arms.

B. Financial challenges related to the sanctions regime

55. Although the Government has claimed on several occasions to have reunified its financial institutions from the former north-south divide, the Group notes that taxes are still being collected in northern Côte d'Ivoire by deputies appointed by former zone commanders who are not accountable to the central Government, and not by the newly appointed administrative authorities (prefects). The official explanation is that revenues are used to pay the salaries of military units in the north.

56. The Group believes that it is important to accelerate the process of reunification of the financial system ("unicité des caisses") for two main reasons: firstly, it will allow the central Government to rebuild the economy; and secondly, it will ensure compliance with the arms embargo by preventing the diversion of moneys for the purchase of arms and related materiel.

VI. Diamonds

57. The restrictions imposed on Côte d'Ivoire by resolution 1643 (2005) continue to fail to prevent the export of Ivorian rough diamonds.

58. Production in the diamond fields of northern Côte d'Ivoire has been ongoing since the establishment of the sanctions regime. In Séguéla, there has been an increase in the number of diamond-mining areas in operation since the Group's last visit in February 2011, suggesting that the trade in rough diamonds is likely to have continued to reach international markets during the recent post-electoral military crisis.

59. Regional as well as international buyers continue to procure diamonds from the mines of Séguéla, and neighbouring countries continue to be the major transit points for the trafficking of Ivorian rough diamonds.

60. Based on estimates made by the Group in 2010, revenues from the sale of rough diamonds could range between $12 million and $23 million. Although the Group has been unable to obtain clear information on the use of diamond revenues for the purchase of arms and related materiel, it cannot rule out the prospect of arms acquisitions by either the former Forces nouvelles or by forces loyal to Laurent Gbagbo in breach of the embargo.

61. The Group was informed by the Government that the structure of the former Forces nouvelles treasury system, known as La Centrale, has been abolished. The closure of La Centrale is likely to provide some insight into the amount of revenues generated by diamond sales and the use of such revenues; however, the information that can be obtained from such records will depend on the successful transfer of these documents to the central Government. The Group requested a copy of these records in a letter addressed to the Ministry of Finance; however, no answer had been provided at the time of the drafting of this report.

62. Although the Government drafted in 2003 legislative measures to incorporate into law the institutional and technical structures required by the Kimberley Process

Certification Scheme (KPCS), it was unable to implement these measures owing to civil unrest and the takeover of the diamond fields by the Forces nouvelles.

63. The Ministry of Mines and Energy has expressed interest in having Côte d'Ivoire "re-integrated" into the Kimberley Process Certification Scheme, but the term "re-integration" in itself must be examined, as owing to the political circumstances of the country at the time, Côte d'Ivoire never became an active participant in the Kimberley Process (KP).

64. Since the end of the post-electoral crisis there has been some engagement by the Government with stakeholders involved in the Ivorian diamond sector. On 14 and 15 June 2011, the Groupe de recherche et de plaidoyer sur les industries extractives (GRPIE), which is an Ivorian non-governmental organization, in collaboration with the Directorate of Mines of Côte d'Ivoire, organized a national workshop in Abidjan with the support of Partnership Africa Canada. The aim of the workshop was to discuss the issues concerning the smuggling of Ivorian rough diamonds and the implementation of the Kimberley Process in the "new" Côte d'Ivoire. The workshop was attended by representatives of the mining industry, the UNOCI Integrated Embargo Cell, the National Unit for the Processing of Financial Information in Côte d'Ivoire, civil society and consultants in the diamond sector. The Group met with representatives of GRPIE on 11 August 2011.

65. In addition to GRPIE, the Friends of Côte d'Ivoire, which is an ad hoc committee of the Kimberley Process Working Group on Monitoring, has also been actively monitoring the events in Côte d'Ivoire's diamond sector since 2009. The aim of the group is to identify critical needs related to compliance with the Kimberley Process not only for Côte d'Ivoire, but also for other countries in the region. The Ministry of Mines and Energy has recently engaged with GRPIE through its participation in several teleconferences.

66. In the context of the current internal security situation within Côte d'Ivoire, which includes allegations of human rights violations, the proliferation of unclaimed weapons left behind by both sides and scattered throughout the country, the possibility of the reconsolidation of opposition groups and the prospect of renewed hostilities as a result of the upcoming legislative elections, the Group is of the view that revenues from the sale of diamonds continue to have the potential to be used for the purchase of arms and related materiel in breach of the sanctions regime.

67. The Group considers that the restoration of State control and the rule of law in the mining areas, which at present is non-existent (as anyone with the purchasing power to do so can approach miners in the field and procure diamonds), is imperative in order to avoid the risk of further violations of the sanctions regime.

A. Diamond mining in northern Côte d'Ivoire

68. The situation in Côte d'Ivoire's diamond fields has not changed dramatically following the post-electoral crisis. Diamond mining in northern Côte d'Ivoire continues unabated and there is a lack of oversight and control of diamond operations. This occurs despite the redeployment of Government officials from the Ministry of Mines and Energy.

69. On 10 August 2011, the Group of Experts, with the assistance of UNOCI, conducted overflights of the Séguéla area, which is the principal diamond-mining

area in Côte d'Ivoire. Reconnaissance focused on targets that had been identified during ground inspections conducted by the Group in February and August 2011.

70. The Group conducted field inspections of eight diamond-mining areas within Séguéla including the following diamond deposits: Pessaka, Bobi dyke, an extension of Bobi dyke, Dualla, Dabanani, Djibeni, Forona, Diarabana, and also of an area that had been mined by the Ivorian Administration during the late 1980s.

71. Several attempts were made at accessing other deposits, namely, Oussougoula, Siana and Wongué, but these were unsuccessful because access was limited during the rainy season.

72. Smaller subsistence mining operations (other than those described in this section) occur throughout the Séguéla area, but production from these sites is likely to be negligible.

73. The table below includes the global positioning system (GPS) coordinates of the areas visited by the Group during the first two weeks of August 2011. Annex II depicts the ground and aerial images that correspond to these coordinates (no aerial images were obtained for the Siana, Oussougoula or Wongué deposits).

74. Although the Group observed only a moderate number of artisanal miners working in the diamond fields, it noticed an increase in the number of diamond-mining areas being worked. However, the Group notes that an increase in the number of active mining areas does not necessarily imply an increase in rough diamond output.

Table 2
Diamond mining deposits within the Séguéla area

Name of diamond deposit or area in which deposit was found (ground inspections)	*Latitude*	*Longitude*
1. Zanda Ramka	08°09.394'N	006°34.173'W
2. Area near Bobi dyke (known as Bobi dyke II)	08°09.165'N	006°34.544'W
3. Abandoned washing area (former SODEMI operation)	08°08.307'N	006°34.879'W
4. Dualla	08°08.239'N	006°34.857'W
5. Dabanani	08°08.409'N	006°35.064'W
6. Djibeni	08°08.473'N	006°34.419'W
7. Wongué (body of standing water impeded access to deposit; coordinates are for area nearby)	08°14.898'N	006°36.557'W
8. Forona	08°07.798'N	006°37.068'W
9. Oussougoula (body of standing water impeded access to deposit; coordinates are for area nearby)	08°06.089'N	006°36.912'W
10. Diarabana dyke	08°11.050'N	006°35.744'W
11. Bobi dyke	08°10.539'N	006°34.020'W
12. Siana (body of standing water impeded access to deposit; coordinates are for area nearby)	08°03.832'N	006°33.310'W

Source: Group of Experts on Côte d'Ivoire.

B. Ministry of Mines and Energy

75. The Ministry of Mines and Energy cooperated with the Group and facilitated in a timely manner the provision of relevant documents that were requested shortly after the Group's visits to the respective Ministry departments in Abidjan. However, the Group has yet to receive a copy of the country's Mining Law and related legislative documents for its analysis. Other specific questions conveyed to the Ministry through the Group's two formal written communications have yet to be answered, and the responses will be analysed and included in the Group's final report.

76. The Group held meetings with the Minister of Mines and Energy, the Director of Mines, and the Director of Mining Development in Abidjan on 1 September 2011. During these visits, the Ministry emphasized that it lacks the resources to effectively carry out all of its functions, particularly in the north. Ministry officials who were redeployed to the north after the 2011 post-electoral crisis cannot carry out basic duties such as overseeing the activities in the diamond mines, as they lack vehicles to carry out such inspections. The Group also learned that although customs officials have also been redeployed to the north, they have not been tasked with overseeing diamond-mining activities.

77. The Group also enquired about the progress made by the Government towards meeting the requirements for the eventual lifting of the embargo on the export of Ivorian rough diamonds. The details of the measures that the new Government has in place are outlined in section C below.

78. Since the end of the 2011 post-electoral crisis, the Ministry of Mines and Energy has received 15 applications for diamond-mining licences, 10 of which are from cooperatives and 5 from individuals.

C. Kimberley Process Certification Scheme

79. The Kimberley Process Certification Scheme came into effect on 1 January 2003, at the same time that the former Government of Côte d'Ivoire was in the process of signing the Linas-Marcoussis Agreement, which called for reconciliation and the settlement of long-standing issues between the Government and the Forces nouvelles rebel group. In 2003, the country's diamond fields, which are located in northern Côte d'Ivoire, were already under the control of the Forces nouvelles.

80. The Kimberley Process had set the date of 1 May 2003 as the cut-off for the Certification Scheme to be implemented by all participating countries. After that date, only participant countries were allowed to trade in rough diamonds with each other. New applicants for participation were given until 31 July 2003 to implement national legislation. Côte d'Ivoire passed legislation to enact the appropriate laws and regulations that would implement and enforce the Certification Scheme on 30 May 2003 under Decree No. 2003-143.

81. The Kimberley Process, which was established to find a solution to the international problem of conflict diamonds, is based not only on national certification schemes but on internationally agreed minimum standards.

82. In order to become a participant, each country must establish a system of internal controls designed to eliminate the presence of conflict diamonds from its chain of production. This entails tracking the diamonds from their source in the

diamond fields to the point at which these are exported. In the case of Côte d'Ivoire, the former Government was never able to implement this provision, as stated above; at the time the legislation was passed, the diamond fields were already under the control of the Forces nouvelles.

83. As a requirement to become a participant in the Certification Scheme, each country must create a Kimberley Process certificate, which is to accompany each shipment of rough diamonds during export. The Ministry of Mines and Energy informed the Group that such a certificate exists for Côte d'Ivoire. According to officials from the Ministry, the certificate was created in 2003 and approved by the Central Bank of Belgium.

84. In addition to such a certificate, Côte d'Ivoire must meet a series of minimum standards for compliance which include:

(a) Establishing a system of internal controls designed to eliminate the presence of conflict diamonds from shipments of rough diamonds imported into and exported out of its territory;

(b) Designating an importing and exporting authority or authorities;

(c) Ensuring that rough diamonds are imported and exported in tamper-resistant containers;

(d) Amending or enacting appropriate laws or regulations to implement and enforce the Certification Scheme and to maintain dissuasive and proportional penalties for violations;

(e) Collecting and maintaining relevant official production, import and export data.

85. Of the five items outlined above, perhaps the most complex is item (a) — establishing a system of internal controls — which contains a series of general and specific recommendations according to the nature of each country's diamond sector. These include recommendations for the control of the country's diamond fields; its small-scale diamond mining; its rough diamond buyers, sellers and exporters; export and import processes; and shipments to and from free trade zones.

86. According to the Ministry of Mines and Energy, Côte d'Ivoire has met several of the minimum standards for compliance. The Ministry informed the Group that it will provide documentation to support this. The Group, however, has thus far only received a copy of Decree No. 2003-143 and awaits the receipt of the remaining relevant documentation.

87. Participation in the Certification Scheme is open on a global, non-discriminatory basis to all applicant States willing and able to fulfil the requirements. Any applicant wishing to participate in the Certification Scheme should:

(a) Signify its interest by notifying the Chair of the Kimberley Process through diplomatic channels. This notification should include information identifying the State's designated authorities or bodies responsible for implementing the provisions of the Certification Scheme;

(b) Provide the Chair with information on the State's relevant laws, regulations, rules, procedures and practices.

88. Côte d'Ivoire has yet to address the Chair (which in 2011 is the Democratic Republic of the Congo), expressing its interest in becoming a participant in the Certification Scheme and providing the Kimberley Process with the necessary information outlined above in items (a) and (b).

D. Diamond revenues

89. As the Group of Experts has indicated in previous reports, rough diamonds have been sold and exported from Côte d'Ivoire. Revenues obtained from these sales are known to have previously contributed to the strengthening of the Forces nouvelles regional administrative structures by funding them through taxes on trade and transport, including the taxation on diamond production through La Centrale.

90. Prior to the 2011 post-electoral crisis, reports from various sources indicated that not all diamond sales took place within the framework of La Centrale, and that revenues from the sale of diamonds benefited and continue to benefit third parties other than that of the former elements of the former Forces nouvelles.

91. The Group has to date been unable to establish a direct link between the possible diversion of revenues from diamond-mining activities and the purchase of weapons by either party involved in the conflict. However, ongoing investigations by the Group suggest that Abidjan might have also been a centre of diamond trafficking for the purpose of purchasing weapons during the post-electoral crisis. The Group intends to convey the results of these investigations in its final report.

92. This information raises questions concerning the extent of the trade in Ivorian diamonds, not only during the conflict but prior, as the information implies the existence of some type of network that crossed political and military lines and serviced both a rebel-controlled north, where all the diamond fields are found, as well as a Government-controlled south, which had no access to these diamond fields.

93. If this information is verified by facts, then diamonds perhaps played an even greater role than previously thought, and the Group cannot rule out the possibility that diamond revenues were used for the acquisitions of arms by both sides involved in the conflict.

94. The abolishment of La Centrale may provide an opportunity to gain some insight into the way revenues from diamond mining might have been diverted for the purchase of weapons. The information that can be obtained from such records will, however, depend on the successful transfer of these documents from the accountants of La Centrale to the central Government authorities.

95. The Group of Experts intends to follow up this information and report its findings in its final report of April 2012.

VII. Customs and transport

96. The new customs authorities have assured the Group of Experts of their full cooperation. Nevertheless, normalization of the situation has not yet been accomplished, and control of customs outside Abidjan still remains a challenge.

97. Gradually, customs revenues are returning to their normal level. According to the new Director-General of Customs, from May to August 2001, customs revenues reached CFAF 331 billion and are expected to reach CFAF 778 billion by the end of 2011.

98. In a meeting with the Group of Experts and the Integrated Embargo Cell on 12 August 2011, the Director-General of Customs of Côte d'Ivoire acknowledged that during the former Administration a mechanism for the diversion of public funds had been utilized to finance purchases of arms and ammunition and pay foreign mercenaries and elements of the Jeunes Patriotes. The procedure was to divert part of the customs revenues paid to BCEAO into fictitious accounts, opened to benefit certain individuals. The Group intends to further investigate this mechanism.

99. To date in the current mandate, the Group of Experts has conducted customs and transport-related investigations in the areas of Abidjan and the north of Côte d'Ivoire. The Group met stakeholders, governmental authorities and organizations in order to gather information. The Group also continued to investigate the Transit Interarmées, the customs agency of the Ministry of Defence. Similarly, the Group continued its investigations into the import of vehicles for military use.

A. Situation with respect to customs

100. Since the end of the 2011 post-electoral crisis, the security situation in the country has continued to be unstable. In the north of the country, FRCI are responsible for maintaining security owing to the absence of police and gendarmerie. This instability delays the deployment of the official Administration.

101. At the time of the drafting of this report, the Group of Experts observes that some customs agents are deployed on the northern borders, working together with former Forces armées des Forces nouvelles (FAFN) elements who lack proper customs training. For instance, in Pogo, on the border with Mali, since the beginning of September 2011, about 20 customs agents have been deployed, and 15 of them are former FAFN. The lack of training and experience of the former FAFN elements destined to survey the borders may have implications on the sustainability of the collection of taxes and customs duties.

102. On the borders with Mali and Burkina Faso, customs officers are unable to operate safely and efficiently owing to continuous threats coming from armed escorts employed by local private businessmen. As a consequence, there is an increased risk of violations of the sanctions regime owing to lack of proper control.

103. For instance, in Ouangolodougou and Laleraba, between Côte d'Ivoire and Burkina Faso, there are currently 45 customs agents, approximately 30 of whom are former FAFN. These agents are under the threat of people smuggling arms, gasoline, coffee and cocoa to the detriment of the customs revenue. Most advanced positions near the border with Burkina Faso are currently under the control of unidentified armed men.

104. Mobile roadblocks are increasing. Men in uniform still collect taxes on behalf of the zone commanders and La Centrale; even though La Centrale has officially

been abolished, it will continue to collect revenues until the financial system has been reunified.[4]

105. Customs agents have not yet been deployed in western Côte d'Ivoire because of security reasons. The Director-General of Customs informed the Group in September 2011 that in the coming weeks, deployment of customs officers is expected to commence. In the west, "Dozos" are in charge of the security of citizens.[5] The border with Liberia is still not secure, and pro-Gbagbo militias and mercenaries are free to commit criminal acts in areas near the border. This situation does not allow for the collection of taxes nor for any kind of monitoring of the transfer of goods.

106. In the eastern part of the country, in Noé, Government customs agents have been deployed, even though FRCI elements still control some activities related to customs. Near the Ghanaian border, some pro-Gbagbo elements are still active and impose taxes on locals. In the region of Aboisso, the area is under the control of armed young elements, probably armed during the post-electoral crisis.

107. Owing to poor security conditions, lack of control at the borders and low-level racketeering on the roads through mobile and fixed roadblocks, the Group is concerned by the possible movement of arms and ammunition from neighbouring countries into Côte d'Ivoire.

B. Situation with respect to transport

108. Transit goods still provide numerous opportunities for Ivorian parties to make money illicitly (see paras. 215-223 of S/2011/272). During the post-electoral crisis, the level of transit transactions diminished drastically because of the hostilities and the sanctions imposed by the European Union on the seaports. In April 2011, all transactions stopped until the week after the arrest of former President Gbagbo. Subsequently, transit convoys have resumed under the protection of FRCI, reaching usual levels in May/June 2011.

109. The Office ivoirien des chargeurs (OIC) monitors transit commerce from the ports of Abidjan and San Pedro to neighbouring States, including Ghana. OIC suffered considerably from the post-electoral crisis and was nearly bankrupt. Its staff have been restructured and there has been a new board of directors since 22 August 2011. OIC offices and vehicles were also ransacked in the southern part of the country.

110. In the direction of Mali and Burkina Faso, transport taxes have remained the same (see S/2011/272, table 7). In addition, new taxes imposed by zone commanders are collected at mobile roadblocks by former FAFN elements. There are also additional checkpoints between Tiébissou and Bouaké that did not exist before. OIC hopes that if the Official Administration could be deployed in the north, all checkpoints would disappear by the end of 2011.

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[4] Declaration of Colonel Major Bamba Sinima, on 29 August 2011; source: http://Côte-d-ivoire.en24heures.com/les-forces-nouvelles-percevront-encore-des-taxes-pour-un-certain-temps-declare-le-colonel-major-bamba-sinima.

[5] Traditional hunters that are authorized by the local administration to protect citizens; Dozos are often organized in a corporation. They are estimated to number 2,000 in the west of Côte d'Ivoire.

111. From the CFAF 100,000 paid by transporters for escort by OIC, a sum of CFAF 25,000 is still paid to La Centrale in cash without official receipts,[6] and CFAF 50,000 is kept by OIC. The new governmental authorities do not officially recognize this system but they will tolerate it until a new agreement has been reached.

112. According to OIC representatives, customs officers are deployed in Bouaké and Ferkessédougou but the customs offices do not yet function. Transporters are reporting that they have to pay additional taxes per truck directly to zone commander offices through an intermediary; the amounts per truck vary from CFAF 50,000 to CFAF 500,000. This additional tax did not exist before the 2011 post-electoral crisis.

113. OIC intends to reorganize and harmonize transport costs in both directions (to and from Abidjan), with a unique payment by the transporter under the guarantee of the Ministry of Transport. OIC staff have already begun to accompany trucks with GPS trackers belonging to OIC from Abidjan to Burkina Faso.

114. On the basis of the above-mentioned, the Group is concerned by the lack of oversight by State authorities of the transport of cargo to and from neighbouring countries. It is the Group's view, based on an assessment of the extensive movement of transit cargo between Burkina Faso and Mali prior to the post-electoral crisis, that a significant amount of revenue must have been generated from such trade. The Group cannot dismiss the possibility that such revenues were used for the purchase of arms and related materiel in breach of the embargo (see para. 405 of S/2011/271).

115. The Group also reiterates that overloaded trucks coming from Burkina Faso and Mali do not meet international standards for cargo, which indicates that customs officials at both sides of the border are not executing their functions when inspecting these trucks. In the absence of proper inspections, it appears to be the case that the customs officials of Burkina Faso and Mali are either unwilling or lack the capacity to implement measures to effectively control embargoed items.

C. Monitoring capacity of UNOCI

116. The Integrated Embargo Cell of UNOCI continues to monitor the seaport and airport of Abidjan. The Integrated Embargo Cell Quick Reaction Task Force also conducts additional checks. In its previous reports, the Group stressed the need for UNOCI to implement physical inspections of cargo based on a risk-assessment strategy (see S/2010/179, paras. 122 and 155, and S/2011/271, paras. 411-414).

D. Transit Interarmées

117. In its previous reports, the Group also highlighted the important role that Transit Interarmées, the customs agency of the Ministry of Defence, could have played in the organization of eventual arms imports for the previous regime. Despite several attempts, the Group could not obtain import statistics of Transit Interarmées (see paras. 227-231 of S/2011/272).

118. From the Group's perspective, Transit Interarmées played a negative role in the enforcement of the embargo because Ivorian customs had no control over its

[6] The amount previously paid to La Centrale was CFAF 70,000.

import of equipment for the Ministry of Defence, and the Group was already aware that, at a minimum, vehicles (see annex VIII of S/2011/272), telecommunication and military material were being imported through Transit Interarmées for military use, thus representing a clear breach of the sanctions regime.

119. During the current mandate, the Group has obtained, after many requests in previous years, access to the lists of such imports for the year 2010 thanks to the collaboration of the new customs administration.

120. The list contains 170 registers of imports made by companies and individuals. Imported goods include a variety of explosives, arms, ammunition, bombs, grenades and other materiel. The list clearly shows that the sanctions regime was deliberately violated through Transit Interarmées.

121. Moreover, the list shows that Transit Interarmées operated beyond its mandate and acted as a forwarding agency for private companies and individuals. Further investigations by the Group will endeavour to discern to what ends the funds generated by those activities have been used.

122. As such, the Group intends to have complete information and analysis of all the documents that will be made available on Transit Interarmées activities in the final report.

E. Acquisition of vehicles for military use

123. The important role played by vehicles destined for military use during the Ivorian post-electoral crisis demonstrates that the Group's concerns expressed in its previous reports concerning acquisitions of vehicles by Ivorian armed and security forces were justified. The Group believes that vehicles for military use are serious force multipliers (see paras. 232-239 of S/2011/272). The Group is investigating possible sales of vehicles during the post-electoral period in breach of the sanctions regime.

124. The Group underlines that, in conformity with paragraph 9 of resolution 1980 (2011), acquisition of vehicles for military use should occur through an exemption request conveyed by the Government to the Sanctions Committee.

F. Exemption requests to the arms embargo

125. For traceability purposes and monitoring of the embargo, any item destined to be imported to Côte d'Ivoire through an exemption procedure according to paragraph 9 of resolution 1980 (2011), should be communicated in advance to the UNOCI Integrated Embargo Cell, and to the Group of Experts if applicable, with all details of the items, including the transport details.

VIII. Individual sanctions

126. The Group continues to investigate possible violations of the targeted sanctions on individuals according to measures imposed by paragraphs 9 and 11 of resolution 1572 (2004), as renewed by paragraph 1 and amended by paragraph 4 of

resolution 1643 (2005). These individuals are: Mr. Charles Blé Goudé, Mr. Eugène N'goran Djué and Mr. Martin Kouakou Fofié.

127. In addition, in accordance with paragraph 12 of resolution 1975 (2011), targeted sanctions were also applied against Mr. Laurent Gbagbo, Ms. Simone Gbagbo, Mr. Désiré Tagro, Mr. Pascal Affi N'Guessan and Mr. Alcide Djédjé.[7]

A. Charles Blé Goudé

128. The Group is aware of numerous media reports indicating that Mr. Blé Goudé is outside the country, which would constitute a clear violation of the travel ban. In an interview to the press on 18 August 2011, Mr. Blé Goudé maintains the view that he is "in exile".[8]

129. The Group has been alerted that from his current location, Mr. Blé Goudé still exercises leadership over the Congrès panafricain des jeunes et patriotes (COJEP) and intends to reactivate his political network in Côte d'Ivoire.

130. The Group has received credible information indicating that Mr. Blé Goudé has assumed different identities and is likely to be moving around some neighbouring countries to Côte d'Ivoire.

131. On 1 July 2011, the Government issued an international arrest warrant calling for the apprehension of Mr. Blé Goudé for serious violations of human rights.

B. Eugène N'goran Kouadio Djué

132. The Group has been informed by the Ministry of Justice of Côte d'Ivoire that there are no current judicial proceedings against Mr. Djué and that he is committed to the process of reconciliation and has provided assistance in the disarmament process of elements of COJEP in the district of Yopougon-Abidjan.

C. Martin Kouakou Fofié

133. The Group notes that on 3 August 2011, Mr. Fofié was appointed by the current Government as the military commander of Zone 10 of the country and is based in Korhogo.

134. During a meeting with the Ministry of Justice on 6 September 2011, the Group was informed that any questions concerning Mr. Fofié and his possible violations of individual sanctions should be submitted to the Ministry of Defence.

D. Laurent Gbagbo

135. In a meeting with the Ministry of Justice on 6 September 2011, the Group was informed that Mr. Gbagbo has been indicted for economic crimes against the State

[7] See www.un.org/sc/committees/1572/listtable.html.

[8] Source: http://news.abidjan.net/h/407872.html.

of Côte d'Ivoire. Mr. Gbagbo is reportedly under house arrest at a military facility near the city of Korhogo, in the zone under the control of Mr. Fofié.

E. Simone Gbagbo

136. In a meeting with the Ministry of Justice, on 6 September 2011, the Group was informed that Ms. Gbagbo has also been indicted for economic crimes against the State of Côte d'Ivoire. Ms. Gbagbo is said to be under house arrest in Odienné. According to the prosecutor, Ms. Gbagbo will be transferred shortly to the local prison.

F. Désiré Tagro

137. The Group was informed by the Ministry of Justice that Mr. Tagro died in Abidjan on 13 April 2011. The Group understands that the Committee has requested confirmation from the Ivorian authorities in this regard.

G. Pascal Affi N'Guessan

138. The Group was informed by the Ministry of Justice that Mr. N'Guessan has been indicted for the commission of economic crimes, threat to national defence, establishment of armed bands, participation in an insurrectionary movement and rebellion, and plotting against the authority of the State of Côte d'Ivoire. He is reported to be currently under arrest in a prison in the town of Bouna.

H. Alcide Djédjé

139. The Group has been informed that Mr. Djédjé, the former Permanent Representative of Côte d'Ivoire to the United Nations, is currently under arrest in the prison of Boundiali. He is being indicted for the commission of economic crimes, endangering State security, blood crimes and theft in Côte d'Ivoire.

IX. Recommendations

A. Finance

140. The Group recommends that the Government of Côte d'Ivoire continue to improve its cooperation with the Group of Experts, particularly by supplying information concerning the results of audits of Government agencies and companies, in order to increase financial and economic transparency and reaffirm its readiness to comply with the sanctions regime.

141. The Group recommends that the Government take all necessary measures to effectively accelerate the process of financial reunification and centralization of the Ivorian financial system, in order to avoid the possible diversion of funds in violation of the sanctions regime.

B. Diamonds

142. In the Group's view, the current political and security situation in Côte d'Ivoire, in which the restructuring of the security sector and the effective reunification of the State have yet to be achieved, calls for the continuation of the embargo on Ivorian diamonds as established pursuant to resolution 1643 (2005), in particular given the absence of a functioning administrative structure or State authority to oversee mining activities in the northern part of the country.

143. The Group recommends that the Government of Côte d'Ivoire make an official request to the Chair of the Kimberley Process to invite a delegation of Kimberley Process experts to assess the measures taken by the Government of Côte d'Ivoire in establishing a transparent, effective and verifiable system to implement the Certification Scheme.

144. The Group recommends that the Government continue to engage and exchange information with all stakeholders in the diamond sector including non-governmental organizations such as GRPIE, and Friends of Côte d'Ivoire, in order to establish a dialogue that can assist the Government in fighting diamond smuggling.

C. Customs and transport

145. The Group recommends that, at the time of the arrival of exempted arms and related materiel as well as vehicles in Côte d'Ivoire, the UNOCI Integrated Embargo Cell and the Group of Experts, as necessary, must proceed with the physical verification of items and any related correspondence regarding exemption requests, before any taking of possession of the items by a forwarding agency and/or the recipient.

146. The Group recommends that UNOCI permanently employ a customs consultant for its Integrated Embargo Cell in order to improve its surveillance capacity.

147. The Group recommends that the neighbouring countries of Côte d'Ivoire, in particular Burkina Faso and Mali, enforce stricter customs controls on all transit shipments destined for, or leaving, the territory of Côte d'Ivoire.

D. Individual sanctions

148. The Group recommends that all Member States, in particular neighbouring countries of Côte d'Ivoire, remain vigilant and enforce the sanctions imposed by the Security Council against individuals as set forth by paragraphs 9 and 11 of resolution 1572 (2004), and renewed by paragraph 1 and amended by paragraph 4 of resolution 1643 (2005), and paragraph 12 of resolution 1975 (2011).

149. The Group recommends that the Sanctions Committee explore with INTERPOL the preparation of INTERPOL/United Nations special notices for the individuals whose names are contained in the travel ban and assets freeze lists.

Annex I

Meetings and consultations held by the Group of Experts in the course of its mandate

Belgium

Government

Ministry of Foreign Affairs

Multilateral and bilateral entities

European Commission; Chair of the Kimberley Process Working Group on Monitoring; Antwerp World Diamond Centre; Chair of Kimberley Process Working Group of Diamond Experts

Côte d'Ivoire

Government

Ministry of Defence; Ministry of the Interior; Ministry of Public Function; Ministry of Water and Forestry; Ministry of Justice; Ministry of Foreign Affairs; Ministry of Economic Infrastructure; Ministry of Mines and Energy; Chief of Staff of FRCI; General Directorate of Customs; General Directorate of Taxation; General Directorate of Mines and Energy

Diplomatic missions

Embassy of Belgium; Embassy of France; Embassy of the United States of America

Multilateral and bilateral entities

Force Licorne; UNOCI; International Cocoa Organization

France

Government

Ministry of Foreign Affairs

The Netherlands

International Criminal Court

United States of America

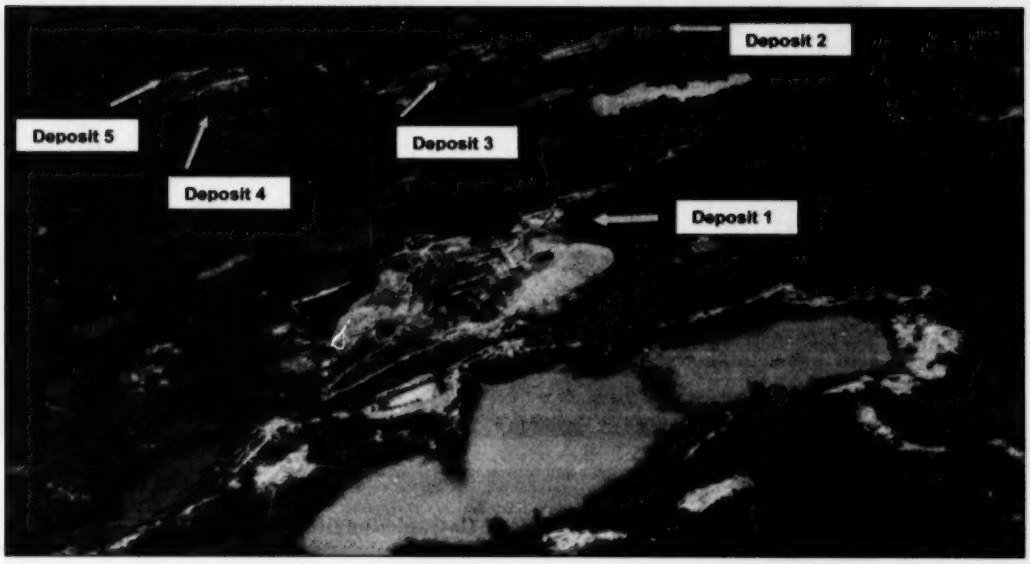
Government

Department of State; Department of the Treasury; United States Geological Survey

Annex II

Ground and aerial images of main diamond fields in the Séguéla area

Figure I
Aerial view of Forona deposits



Source: Group of Experts on Côte d'Ivoire.

Figure II
Aerial view of Forona; close-up of deposit No. 1

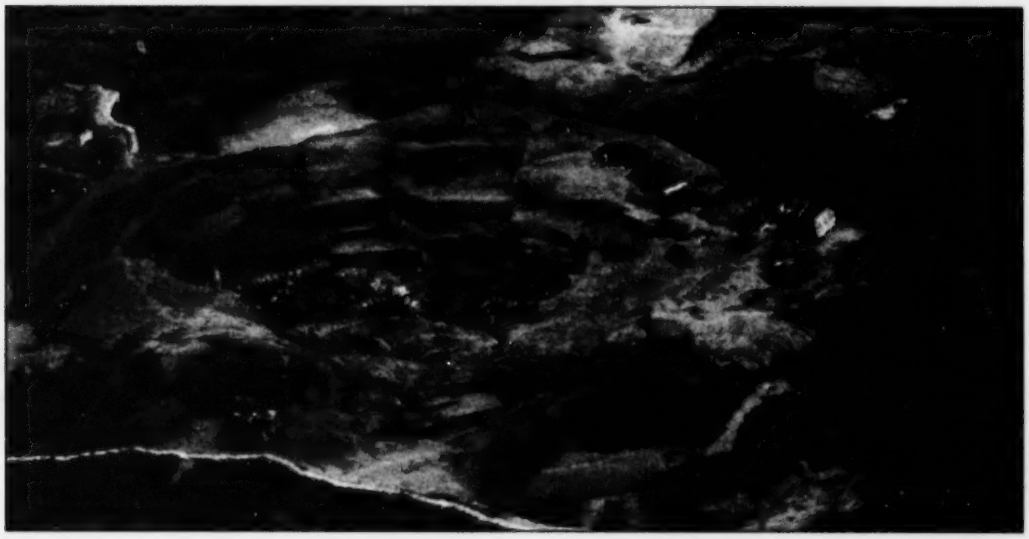


Figure III
Aerial view of Forona; close-up of deposit No. 2

Figure IV
Forona: ground view of deposit No. 1 (latitude/longitude: 08°07.798'N; 006°37.068'W)

Figure V
Piles of diamondiferous gravel stored on site for future washing

Figure VI
Aerial view of Diarabana dyke (latitude/longitude: 08°11.050'N; 006°35.774'W)

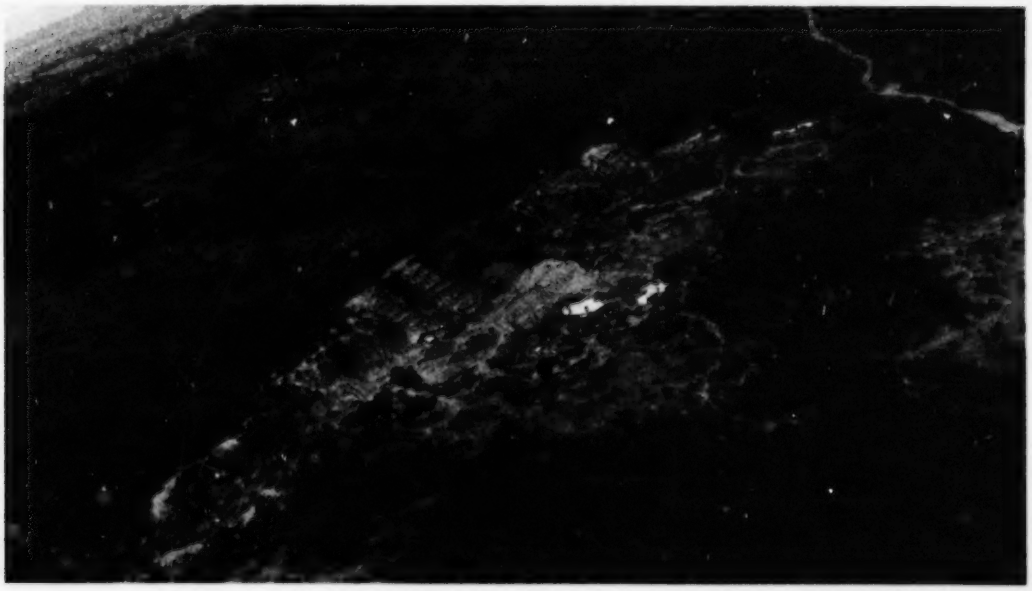


Figure VII
Ground view of Diarabana dyke

Figure VIII
Diarabana dyke: pile of diamondiferous gravel

Figure IX
Bobi dyke (latitude/longitude: 08°10.539′N; 006°34.020′W)

Figure X
Bobi dyke

Figure XI
Zanda Ramka deposit (latitude/longitude: 08°09.394'N; 006°34.173'W)

Figure XII
Mounds of washed gravel leftover from previous SODEMI operation (latitude/longitude: 08°08.307'N; 006°34.879'W)

Figure XIII
Dualla deposit (latitude/longitude: 08°08.239'N; 006°34.857'W)

Figure XIV
Dabanani deposit (latitude/longitude: 08°08.409'N; 006°35.064'W)

Figure XV
Djibeni deposit covered by vegetation and water as a result of the rainy season (latitude/longitude: 08°08.473'N; 006°34.419'W)

Figure XVI
Wongué deposit: diamondiferous gravel grouped into piles for later washing (latitude/longitude: 08°15.385'N; 006°36.961'W)